

YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS

Resolution No. 16-123

Resolution to Abandon Sleeper Lane

WHEREAS, pursuant to Sections 7-14-2101, 7-14-2102 and 7-14-2103 of the Montana Code Annotated, a board of county commissioners has the authority to manage county roads within the county. Pursuant to Section 7-14-2615 of the Montana Code Annotated, a board of county commissioners has the authority to abandon a county road after a public hearing.

WHEREAS, Sleeper Lane is a dedicated public road within Yellowstone County. The Road was never constructed. It is a dead end Road that leads to nowhere. The Yellowstone County Board of County Commissioners has the authority to manage the Road, including the authority to abandon the Road.

WHEREAS, on April 20, 2015, the Board received a petition to abandon the Road. The Board reviewed the petition. The petition appeared legally sufficient. More than ten freeholders in the County executed the petition, all the property owners whose property abuts the Road have agreed to the abandonment, no one uses the Road for access to their property and the Road does not provide access to public land. The property owners want the Road abandoned because it is not needed by the public and is an encumbrance on their property that serves no public purpose. The Board believed that it may be in the best interest of the public to abandon the Road.

WHEREAS, on May 26, 2015, the Yellowstone County Board of County Commissioners passed a resolution to create a Board of Viewers to make a recommendation on the proposed abandonment. On June 16, 2015, the Board of Viewers submitted its recommendation on the proposed abandonment. It recommended that the Board abandon the Road with several conditions. On June 19, 2015 and June 26, 2016, the Yellowstone County Clerk and Recorder published notice of the public hearings and the petition in the *Billings Gazette*.

WHEREAS, on June 30, 2015, the Board held a public hearing on the proposed abandonment. The Board heard comments on the proposed abandonment and considered the Board of Viewers' recommendation. The Board determined that it would be in the best interest of the public to abandon the Road. The Road is unconstructed, leads to nowhere, serves no public purpose, such as access to public land, and would cost a substantial amount to construct. On the same date, the Board passed a resolution of intent to abandon the Road if Mark Bretz met the following conditions: (1) Petitioner shall file an amended plat of Cole Acreage Tracts and Johnston Subdivision First Filing, Aggregating the abandoned right of way into tracts 5 and 6 of Cole Acreage Tracts and also to lots 5, 6, 7 and 8 of Johnston Subdivision First Filing, (2) If the Petitioner desires not to aggregate Tracts 5 and 6 Cole Acreage Tracts into one lot, and Lots 5, 6, 7 and 8 of Johnston Subdivision First Filing into one lot (so that interior tracts and lots are not land locked if they were sold in the future to separate owners), petitioner shall record public easement's that would allow for access, and (3) Petitioners shall record a document granting unto all utility companies (for existing public and private utilities) as such are defined and established by Montana Law, and cable television companies, a perpetual easement of a minimum of ten (10) feet in width for the location, maintenance, repair and removal of their lines and utilities over, under and across the roadway or alley areas in this abandonment. On November 3, 2016, Bretz advised the Yellowstone County Public Works Department that he had satisfied the conditions to have the Road abandoned. The Public Works Department verified that the conditions had been satisfied.

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NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners abandons Sleeper Lane as indicated in the petition. The conditions to abandon the Road have been satisfied. The Board orders the Yellowstone County Public Works Director to modify the County Road Book to indicate the Road abandoned and to send by certified mail a copy of this resolution to those property owners whose property abuts the abandoned Road.

Passed and Adopted on the 15th day of November 2016.

BOARD OF COUNTY COMMISSIONERS
YELLOWSTONE COUNTY, MONTANA

John Ostlund, Chairman
Yellowstone County Commissioner

James E. Reno, Member
Yellowstone County Commissioner

Attest:

Robyn Driscoll, Member
Yellowstone County Commissioner

Jeff Martin
Yellowstone County Clerk and Recorder

State of Montana }
 ss.
County of Yellowstone }

On _____, before me personally appeared John Ostlund, James E. Reno and Robin Driscoll, members of the Board of County Commissioners of Yellowstone County, and Jeff Martin, the Yellowstone County Clerk and Recorder, and acknowledged to me that they executed this Resolution to Abandon Sleeper on behalf of Yellowstone County in their official capacities as Board Members and the Clerk and Recorder.
